SINGLE BENCH (1)

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. NO. 5343 **/2005**

PETITIONER : Surendra Kumar Arora, Aged about 42 years, S/o. Jeevandamal Kakkad R/o. A-20, Shankar Nagar, Raipur, Distt. Raipur (C.G.)

VERSUS

RESPONDENTS :

1] State of Chhattisgarh, Through: Secretary, Revenue Deptt, D.K.S. Bhawan, Raipur (C.G.)

2] Raipur Development Authority, Through: its Chief Executive Officer, Raipur, District Raipur (C.G.)

3] Chief Executive Officer, Raipur Development Authority, District - Raipur (C.G.)

4] Tahsildar, Raipur, District -Raipur (C.G.)

5] N.M.D.C. Employees Cooperative Housing Society Ltd., Through: its Secretary Civil Lines, Raipur, Distt. Raipur (C.G.)

P.R. No. 5426/05 Presented by Shri M.V. Pramanpar dated 19/10/05

RECEIVED-COPY 19/10/05 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP S 343/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	9.11.2005 Shri Manoj Paranjpe, Advocate for the petitioner. Shri Yashwant Singh Thakur, Govt. Advocate for respondent Nos.1 & 4. Shri H.B. Agarwal, Sr. Advocate with Shri Pankaj Agarwal, Advocate for respondent Nos.2 & 3. Heard. The case of the petitioner is that his land was given to respondent No.5 by respondent Nos.2 & 3 for construction of colony. When the petitioner came to know about this fact he made an application to respondent No.4 -Tehsildar, Raipur under Section 250 of the Land Revenue Code and respondent No.4 decided the said application vide order dated 20.8.2001 and held that respondent No.5 has encroached upon the land of the petitioner. The said matter went up to Board of Revenue and the Board of Revenue remanded the matter back to respondent No.4 to decide the matter afresh. ~~and~~ Respondent No.4 vide order dated 16.6.2004 again decided the case in favour of the petitioner herein. Against the said order an appeal was preferred by respondent No.5 before the Sub Divisional Officer, Raipur, who has also remanded the case back to respondent No.4 to decide the same afresh, which is pending before respondent No.4. In the year 2003 the petitioner herein has filed a writ petition before	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

this Court bearing W.P. No.2791/2003 in which Tehsildar, Raipur was directed to decide the case. However, respondent Nos.2 & 3 are requesting the Tehsildar, Raipur not to decide the case, as the matter is being compromised between the petitioner herein and respondent Nos.2 & 3.

Counsel for the petitioner submitted that the petitioner has made a representation before respondent Nos.2 & 3, but respondent Nos.2 & 3 are neither deciding representation of the petitioner for giving alternative land nor they are allowing respondent No.4-Tehsildar to decide the case of the petitioner in pursuance of this Court's order as well as the order of the SDO. In the circumstances, respondent Nos.2 & 3 be directed to decide the representation made by the petitioner herein to them, to which learned counsel for respondent Nos.2 & 3 has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent Nos.2 & 3 are directed to decide the representation of the petitioner after considering all the points raised by him in accordance with law within a period of three months from today.

With the direction aforesaid, the petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C.Bhadoo
Judge

SP/ES/2005 - 20,000